



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,391	10/16/2003	Sean Coleman	P68488US1	6680

136 7590 12/16/2004

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
----------	--------------

3611

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.	Applicant(s)	
	10/685,391	COLEMAN ET AL.	
	Examiner Cassandra Davis	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 10-19, 21 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 9, 20, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Claim Objections

Claim 11 is objected to because of the following informalities: it appears as if lines 1 and 2 on page 15 should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 3-5, 7, 15-19, 21, are rejected under 35 U.S.C. 102(b) as being anticipated by Barnes, U. S. Patent 4,750,698.
3. Barnes teaches a merchandise support hook assembly comprising a hook back 11 adapted to be attached to a supporting surface 15 and a forwardly extending merchandise support hook 12, wherein the hook back 11 includes a pair of spaced 26 apertures extending generally vertically in use. Barnes also teaches a label holder assembly 10 including a label holder arm 13 having a proximal end and a distal end, a pair of spaced legs 21 carried by said proximal end and adapted to be seated in apertures 26 in the hook back to cantilever the label holder arm spaced relationship over the merchandise support arm, and a label holder 14 at said distal end of the label holder arm. T
4. With respect to claims 2 and 16, Barnes the label holder arm 13 is longer than the merchandise support hook 12.

5. With respect to claim 3 and 17, Barnes teaches the support surface 15 is a perforated board comprising a multiplicity of spaced through- apertures 25, and the hook back includes a pair of rearwardly and upwardly extending spaced ears 24 adapted to be engaged through selected apertures 25 in the perforated board.

6. With respect to claims 4 and 18, Barnes teaches the hook back includes a central, generally vertically extending, opening 23 and the merchandise support hook includes a downwardly depending leg (not labeled) at its proximal end adapted to be seated in the opening in the hook back to cantilever the merchandise support hook forwardly of the hook back. (column 2, lines 46-47).

7. With respect to claim 5 and 19, Barnes teaches the hook back includes a forwardly extending flange, the merchandise support hook-receiving opening 23 being defined centrally of the hook back flange, and the spaced apertures 26 adapted to receive the spaced legs 21 of label holder assembly being defined through the flange on opposite sides of the opening.

8. With respect to claims 7 and 21, Barnes teaches a stop means 19 to cantilever the label holder arm in vertically spaced relationship to the merchandise support arm when the spaced legs are seated in the apertures in the hook back.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10-14 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thalenfeld, U. S. Patent 6,269,571. Thalenfeld teaches display hook comprising a label holder 30 is a discrete element for the label holder arm, and mounting plate 18 or cross bar 20 the distal end of said label holder arm to removably receive the label holder. It would have been obvious to one having ordinary skill in the art the time this invention was made to construct the label holder of the merchandise hook taught by Barnes with a removable holder as taught by Thalenfeld to provide a means to adjust the angle of the label.

11. With respect to claim 11 and 15, Thalenfeld also teaches the cross bar is fixed to the distal end of the label holder arm, and a spring clip 38 carried by the label holder and adapted to be resiliently engaged over the cross bar.

12. With respect to claims 12, 13, 26, 27, Thalenfeld teaches the label holder includes a body panel 18 having an upper end and a lower end and generally planar front and rear faces, wherein spring clip 38 being carried by said upper end of said body panel and extending rearwardly therefrom. The label holder further includes a transparent cover member 31 having an upper end and a lower end and a front face and a rear face, said lower ends of said body panel and said cover member being resiliently connected to define a label-receiving pocket at 32 between said front face of said body panel and said rear face of said cover member.

13. With respect to claims 14 and 28, Thalenfeld teaches the cross bar 18 includes a generally planar front face and an arcuate rear face, said spring clip being arcuate and engaged over said arcuate face of said cross bar in use, said planar front face of said

cross bar engaging said planar rear face of said body panel to preclude rotation between the label holder and the cross bar. (See figure 3).

Allowable Subject Matter

14. Claims 6, 8, 9, 20, 22, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
December 12, 2004